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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,007	12/14/2000	Gregory Lee Harrington	AUS920000654US1	8241

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EXAMINER

KANG, INSUN

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/737,007	Applicant(s) HARRINGTON, GREGORY LEE	
	Examiner Insun Kang	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed 2/23/2004.
 2. As per applicant's request, claims 1, 2, 11, 14 and 15 have been amended.
- Claims 1-15 are pending in the application.

Double Patenting

3. The applicant fails to show the reasons to traverse the double patenting rejection.
- Therefore, the rejection of double patenting is maintained.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "said cosmetic code" in the last two lines. There is insufficient antecedent basis for this limitation in the claim.

Per claim 13, JavaScript cannot be Java 1.1.8; therefore, it is unclear as to what is said earlier version in claim 13 further limited. For the purpose of examination, it is interpreted as "...set forth in claim 10 wherein said earlier version is Java 1.1.8."

Claim Rejections - 35 USC § 102

Art Unit: 2124

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

6. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Massena et al. (U.S. 6,035,119).

In regards to claim 8:

Massena et al. disclose :

The method as set forth in claim 7 wherein said replacement code is Hyper Text Mark-up Language (HTML) (col 2, lines 44-65; col 3, lines 31-37).

In regards to claim 7, this claim is another version of the claimed method discussed in claim 8, wherein all claim limitations, also have been addressed and/or covered in cited areas as set forth the above. Therefore, accordingly, Massena et al. anticipate this claim.

In regards to claims 10 and 13:

Massena et al. disclose :

Java 1.1.8 (col 10, lines 32-35; col 15, lines 22-28).

In regards to claim 9, 11 and 12, Massena discloses JavaScript (col 10, lines 32-35; col 15, lines 22-28).

In regards to claim 2, this claim is another version of the claimed method discussed in claims 7-13, wherein all claim limitations, except that the replacement coding is for specifically navigational code associated with navigational features, also

Art Unit: 2124

have been addressed and/or covered in cited areas as set forth the above. Massena et al. disclose the replication of the "alternative formats to be handled by the design-time controls" in order to "accommodate all types of web browsers (col 5, lines 20-38)".

Navigation facilitates movement from one web page to another web page (e.g. keeping a history of where the user has been). Navigational access (e.g. following links) is the essence of hypertext. Therefore, the design time control must include a navigational function to be inserted into a web page and therefore have a functionality that handles alternative formats of navigation such as providing more generic (e.g. HTML) or earlier version so as to accommodate all types of web browsers. Therefore, accordingly, Massena et al. anticipate this claim.

In regards to claim 3, Massena et al. disclose removal of cosmetic features ("replication of alternative formats to be handled by the design-time controls (col 5, lines 20-38)". When authoring web content, it is common practice to provide a text-only alternative to the graphics for browsers not supporting graphics. In this case, any incompatible graphics (e.g. style, appearance) are removed from HTML markup by the design time controls. Therefore, for non-supporting browsers, the style control is commented out in the HTML manner and accordingly, Massena et al. anticipate this claim.

In regards to claim 4, see the rejection of the claim 2 above.

In regards to claim 1, this claim is another version of the claimed method discussed in claims 2 and 3, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth the above. In claims 2 and 3, the navigational

Art Unit: 2124

code associated with navigational features is re-coded while cosmetic code associated with cosmetic features is removed. Therefore, it is inherent that modifying the navigational features and the cosmetic features are modified separately and accordingly, Massena et al. anticipates this claim.

In regards to claim 5:

The number of application screens must be predetermined so that the examining process for the next available screens and features, including separating the screen features will not be performed indefinitely. Massena et al. disclose that, in an editable form, the design-time information (including navigational and cosmetic features) is read and edited as necessary (col 11, lines 61-67; col 12, lines 47-52). It is inherent that the reading can be done at least one screen and/or feature at a time. Therefore, accordingly, Massena et al. anticipate this claim.

In regards to claim 6, see the rejection of the claim 5 above.

In regards to claim 15, see the rejection of claims 5 above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Massena et al. (U.S. 6,035,119) in view of Eldridge et al. (U.S. 6,094,721).

In regards to claim 14, Massena et al. anticipate a method for conforming application software features to system support code but do not specifically disclose the application software is a password processing program.

Eldridge et al. disclose that the application software is a password processing program (abstract; col 5, lines 23-53) so that the functionality of setting a password can be delivered conforming various versions of the program to certain OS environments without denial of access to the server process.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to incorporate the teaching of Eldridge et al. to the method of Massena et al. The modification would be obvious because the functionality of password processing program can be delivered accordingly conforming various versions of the program to certain OS environments. As a result, the denial of access to the server process and unauthorized access can be prevented.

Response to Arguments

10. Applicant's arguments filed 2/23/2004 have been fully considered but they are not persuasive.

Per claims 1 and 15:

Art Unit: 2124

The applicant argued in regards to claims 1 and 15 that Massena does not disclose generating "redundant coding ...that provides the same navigational features, that is compatible with or conforming to user system support code, ...separating navigational code from cosmetic code and modifying each section separately to conform to support code already installed on a user system (pg 11)." Applicant also argued that "to separate text from graphics is not the same as separating cosmetic code from navigational code."

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, the claims are read with the broadest reasonable interpretation in mind (Note MPEP 2111). Massena teaches redundant coding...separating... and modifying... ("while previously developers were required to manually replicate their web content in alternative representations so as to accommodate all types of web browsers, with the present invention, developers may author web content and allow the replication of the alternative formats to be handled by the design time controls," col 5 lines 20-38).

The examiner interprets cosmetic features include graphics, style, format, etc other than text. Accordingly, as the applicant admitted that 1) "many text or hyper-text presentations are also navigational in nature (page 11)," 2) and it is well known in the art that, "the re-writing includes separating the navigational features from the cosmetic features and modifying the code that creates those features to conform to system support code (page 9-10)" and also 3) in view of the broadest reasonable interpretation,

Art Unit: 2124

Massena discloses "redundant coding ... that provides the same navigational features, that is compatible with or conforming to user system support code, ... separating navigational code from cosmetic code and modifying each section separately to conform to support code already installed on a user system" as claimed. Therefore, the rejection of claims 1 and 15 are maintained.

Per claims 2-13:

The applicant states that claims 2-13 are allowable as being dependent on allowable base claim 1. As has been shown above, the rejections of the independent claim 1 by Massena are proper, the argument that claims 2-13 are allowable as being dependent on an allowable base claim is considered moot.

Accordingly, the rejections of claims 2-13 are considered proper and maintained.

Per claim 14:

The applicant argued in regards to claim 14, that "Eldridge discloses only a password based authentication system and does not even suggest the total combination as presently set forth in claim 14 as herein amended (pg 12)." However, the applicant fails to show that the reasons to combine and motivations concerning the rejections of claim 14 are improper. As has been shown above, the rejections of independent claim 1 by Massena are proper, and Eldridge discloses a password processing program (abstract; col 5, lines 23-53). Therefore, in view of the combined teachings of Kodosky and Uczekaj, the rejection of claim 14 is considered proper and maintained.

Conclusion

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 703-305-6465. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2124

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/24/2004

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